

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

Case No. 17-BK-3283-LTS

IN RE:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO,

Debtor.

PROMESA

Title III

Case No. 17-BK-3566-LTS

**INITIAL DISCLOSURES OF
THE BANK OF NEW YORK MELLON, AS FISCAL AGENT**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801).

The Bank of New York Mellon, as fiscal agent ("BNYM"), through its undersigned counsel, and pursuant to Fed. R. Civ. P. 26(a)(1), made applicable to this action by Fed. R. Bankr. P. 7026, hereby provides the following Initial Disclosures in connection with the *Omnibus Objection of Official Committee of Unsecured Creditors to Claims Asserted by Holders of Bonds Issued by Employees Retirement System of Government of Puerto Rico*, ECF No 5580 in Case No. 17-bk-03283, filed by the Official Committee of Unsecured Creditors (the "Creditors' Committee"), and the *Omnibus Objection of the Official Committee of Retired Employees of the Commonwealth of Puerto Rico, Pursuant to Bankruptcy Code Section 502 and Bankruptcy Rule 3007, to Claims Files or Asserted by Holders of ERS Bonds Against ERS and the Commonwealth*, ECF No. 6482 in Case No. 17-bk-03283, filed by the Official Committee of Retired Employees of the Commonwealth of Puerto Rico (the "Retiree Committee");

PRELIMINARY STATEMENT

These initial disclosures are based on information reasonably available to BNYM as of the date of these disclosures and are made without prejudice to BNYM's right to amend these disclosures based on information learned through discovery, investigation, and legal research. In making these disclosures, BNYM does not represent that it is identifying every individual, document, or tangible thing upon which it may rely to support its claims or defenses, nor does BNYM waive its right to object to the production or to the use in this proceeding of any document or tangible thing on the basis of any privilege, the work product doctrine, relevancy, undue burden, competency, materiality, hearsay, or any other valid objection. Rather, BNYM's disclosures represent its good faith effort to identify information relevant to the specified factual disputes as required by Fed. R. Civ. P. 26(a)(1).

INITIAL DISCLOSURES

Rule 26(a)(1)(A)(i): The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

BNYM is unable to identify at present all persons it intends to use as witnesses to support its claims or defenses. Therefore, at this time BNYM identifies the following individuals as those who may have discoverable information or knowledge of facts that BNYM may use to support its claims or defenses:

Name	Position	Address	Subject Matter
Alex T. Chang	Vice President, The Bank of New York Mellon	c/o Reed Smith LLP, 599 Lexington Avenue, New York, NY 10022	BNYM's joinder in the Response of Certain Secured Creditors of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to the Omnibus Claims Objections of the Official Committee of Unsecured Creditors and the Official Committee of Retired Employees of the Commonwealth of the Puerto Rico, including, but not limited to: BNYM's administration under the Pension Funding Bond Resolution, dated January 24, 2008 (the " <u>Resolution</u> "), including UCC filings made by BNYM.

Current and/or former representatives and employees of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”)	Unknown	c/o Proskauer Rose LLP, Eleven Times Square, New York, NY 10036	ERS, including its decision to issue bonds, its decision to issue underwritten bonds, the Puerto Rico Legislature’s decision not to authorize general obligation debt, the extent of and representations concerning ERS’s borrowing authority, the role of underwriters in the issuance of ERS’s bonds pursuant to the Resolution, and other transactions to obtain financing that ERS either engaged in or contemplated engaging in.
Current and/or former representatives of the Commonwealth of Puerto Rico (the “Commonwealth”)	Unknown	c/o Proskauer Rose LLP, Eleven Times Square, New York, NY 10036	ERS, including its decision to issue bonds, its decision to issue underwritten bonds, the Puerto Rico Legislature’s decision not to authorize general obligation debt, the extent of and representations concerning ERS’s borrowing authority, the role of underwriters in the issuance of ERS’s bonds pursuant to the Resolution, and other transactions to obtain financing that ERS either engaged in or contemplated engaging in.

The Official Committee of Unsecured Creditors of all Title III Debtors (Other than COFINA)	Unknown	c/o Paul Hasting LLP, 200 Park Avenue, New York, NY 10166	The Creditors' Committee's allegations that ERS bondholders were on notice of the alleged invalidity of the ERS bonds.
The Official Committee of Retired Employees of the Commonwealth of Puerto Rico	Unknown	c/o Jenner & Block LLP, 919 Third Avenue, New York, NY 10022	The Retiree Committee's allegations that ERS bondholders were on notice of the alleged invalidity of the ERS bonds.

In addition to the individuals identified above, BNYM incorporates by reference any witnesses who may be identified by the Creditors' Committee, the Retiree Committee, or any other party in interest to this proceeding during the course of discovery in this proceeding.

BNYM does not concede the relevance or admissibility of any testimony at this time.

BNYM will identify any testifying expert witness consistent with the Court's Order and the Federal Rules of Civil Procedure, as made applicable by the Federal Rules of Bankruptcy Procedure 7026. BNYM reserves the right, pursuant to Federal Rule of Civil Procedure 26(e), as made applicable by Federal Rule of Bankruptcy Procedure 7026, to supplement these disclosures and disclose additional individuals whom BNYM may use to support its case based upon further developments in the case or information learned during the course of litigation.

Rule 26(a)(1)(A)(ii): A copy of or a description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the party that the disclosing party may use to support its claims or defenses unless solely for impeachment.

Given the early stage of these proceedings, BNYM is unable at present to identify all of the documents it may use to support its claims or defenses. Notwithstanding and subject to the

foregoing, BNYM identifies the following categories of documents currently within their possession:

1. The Resolution and related bond transaction documents, including, but not limited to, all supplements to the Resolution, official statements, opinions of counsel, and certifications.
2. Documents sufficient to show the registered holder(s) of all ERS bonds offered pursuant to the Resolution.

BNYM incorporates by reference all documents produced or identified by the Creditors' Committee, the Retiree Committee, or any other party in interest to this proceeding during the course of discovery in this proceeding. BNYM does not concede the admissibility of any documents at this time.

Rule 26(a)(1)(A)(iii): A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and

BNYM has submitted a Proof of Claim (No. 16777), dated May 22, 2018 (the "ERS Claim") asserting claims against ERS on account of amounts due or becoming due under the Resolution and the three series of senior pension funds bonds (the "Bonds"), comprising:

- (i) \$3,841,110,000.00 in principal (maturity value);
- (ii) \$9,251,055.00 in accrued but unpaid interest as of May 21, 2017;
- (iii) accrued and unpaid interest subsequent to May 21, 2017;
- (iv) all amounts due and becoming due to BNYM for services rendered under the Resolution and reimbursement of all reasonable expenses, disbursements, and advances made or incurred by BNYM, its agents, and employees in connection

with its powers and duties under the Resolution, for indemnification, and for all other amounts due or becoming due to BNYM; and

- (v) any and all claims, rights, and/or remedies BNYM and/or Owners (as that term is defined in the Resolution) may have under or in connection with the Bonds and/or the Resolution, including any and all other interest, charges, penalties, premiums, and advances that may be due or become due under or in connection with the Bonds and/or the Resolution (whether under applicable law or principles of equity), which amounts presently may be unliquidated or contingent, but may become fixed and liquidated in the future, and which may constitute administrative claims,

as supplemented and more fully set out in the ERS Claim, including the Addendum to Proof of Claim of The Bank of New York Mellon, as Fiscal Agent, thereto, and the Proof of Claim (No. 16775), dated May 22, 2018, submitted by BNYM (the “Commonwealth Claim”), including the Addendum to Proof Claim of The Bank of New York Mellon, as Fiscal Agent, thereto. The ERS Claim and the Commonwealth Claim are hereby incorporated by reference.

Rule 26(a)(1)(A)(iv): For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy judgment.

BNYM does not maintain any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in these actions or to indemnify or reimburse for payments made to satisfy judgment.

[Remainder of page intentionally left blank.]

Dated: November 1, 2019
San Juan, Puerto Rico

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*Counsel to The Bank of New York Mellon,
as fiscal agent*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

_____)	
In re:)	
)	PROMESA
THE FINANCIAL OVERSIGHT AND)	Title III
MANAGEMENT BOARD FOR PUERTO RICO)	
)	Case No. 17-cv-01685-LTS
)	Case No. 17-bk-03566-LTS
as representative of)	
)	
THE EMPLOYEES RETIREMENT SYSTEM OF THE)	
GOVERNMENT OF THE COMMONWEALTH OF)	
PUERTO RICO,)	
)	
Debtors. ¹)	
_____)	
THE FINANCIAL OVERSIGHT AND)	
MANAGEMENT BOARD FOR PUERTO RICO,)	Adv. Proc. No. 19-00366-LTS
as representative of)	
)	
EMPLOYEES RETIREMENT SYSTEM OF THE)	
GOVERNMENT OF THE COMMONWEALTH OF)	
PUERTO RICO,)	
)	
and)	
)	
THE OFFICIAL COMMITTEE OF UNSECURED)	
CREDITORS OF ALL TITLE III DEBTORS (OTHER)	
THAN COFINA),)	

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801).

)
as section 926 trustee of)
)
THE COMMONWEALTH OF PUERTO RICO)
)
Plaintiffs, ²)
)
against)
)
ANDALUSIAN GLOBAL DESIGNATED ACTIVITY)
COMPANY; THE BANK OF NEW YORK MELLON;)
MASON CAPITAL MASTER FUND LP; OCHER)
ROSE, L.L.C.; SV CREDIT, L.P.; CROWN)
MANAGED ACCOUNTS FOR AND ON BEHALF OF)
CROWN/PW SP; LMA SPC FOR AND ON BEHALF)
OF MAP 98 SEGREGATED PORTFOLIO; OCEANA)
MASTER FUND LTD.; PENTWATER MERGER)
ARBITRAGE MASTER FUND LTD.; AND PWCM)
MASTER FUND LTD,)
)
Defendants.)
)
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**INITIAL DISCLOSURES OF
THE BANK OF NEW YORK MELLON, AS FISCAL AGENT**

The Bank of New York Mellon, as fiscal agent ("BNYM"), through its undersigned counsel, and pursuant to Fed. R. Civ. P. 26(a)(1), made applicable to this action by Fed. R. Bankr. P. 7026, hereby provides the following Initial Disclosures.

PRELIMINARY STATEMENT

These initial disclosures are based on information reasonably available to BNYM as of the date of these disclosures and are made without prejudice to BNYM's right to amend these disclosures based on information learned through discovery, investigation, and legal research. In

² The Official Committee of Unsecured Creditors serves as section 926 trustee and co-plaintiff in the prosecution of this adversary proceeding pursuant to Docket No. 6990, which is incorporated herein by reference.

making these disclosures, BNYM does not represent that it is identifying every individual, document, or tangible thing upon which it may rely to support its claims or defenses, nor does BNYM waive its right to object to the production or to the use in this proceeding of any document or tangible thing on the basis of any privilege, the work product doctrine, relevancy, undue burden, competency, materiality, hearsay, or any other valid objection. Rather, BNYM's disclosures represent its good faith effort to identify information relevant to the specified factual disputes as required by Fed. R. Civ. P. 26(a)(1).

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BNYM is unable to identify at present all persons it intends to use as witnesses to support its claims or defenses. Therefore, at this time BNYM identifies the following individuals as those who may have discoverable information or knowledge of facts that BNYM may use to support its claims or defenses:

Name	Position	Address	Subject Matter
Alex T. Chang	Vice President, The Bank of New York Mellon	c/o Reed Smith LLP, 599 Lexington Avenue, New York, NY 10022	The allegations in Plaintiffs' complaint and BNYM's counterclaims, including, but not limited to: BNYM's administration under the Pension Funding Bond Resolution, dated January 24, 2008 (the " <u>Resolution</u> "), including monies received, disbursed, and held by BNYM:

			BNYM's liens, pledges, and security interests; BNYM's collateral; and UCC filings made by BNYM; all pursuant to the Resolution.
Current and/or former representatives and employees of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (" <u>ERS</u> ")	Unknown	c/o Proskauer Rose LLP, Eleven Times Square, New York, NY 10036	ERS, including its creation and operation; funding; fiscal difficulties; attempts at reform; the authorization for and issuance of bonds in 2008; the Resolution (including monies disbursed to and received from BNYM pursuant to the Resolution); the ERS Title III case; and actions, statements, and agreements in respect of BNYM's liens, pledges, and security interests.
Current and/or former representatives of the Commonwealth of Puerto Rico (the " <u>Commonwealth</u> ")	Unknown	c/o Proskauer Rose LLP, Eleven Times Square, New York, NY 10036	ERS, including its creation and operation; funding; fiscal difficulties; attempts at reform; the authorization for and issuance of bonds in 2008; the Resolution (including monies disbursed to and received from BNYM pursuant to the Resolution); the ERS Title III case; and actions, statements, and agreements in respect of BNYM's liens, pledges, and security interests; as well as the

			Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), including the Commonwealth's Title III case and certain adversary proceedings in respect of ERS.
The Financial Oversight and Management Board for Puerto Rico	Unknown	c/o Proskauer Rose LLP, Eleven Times Square, New York, NY 10036	ERS, including its creation and operation; funding; fiscal difficulties; attempts at reform; the authorization for and issuance of bonds in 2008; the Resolution (including monies disbursed to and received from BNYM pursuant to the Resolution); the ERS Title III case; and actions, statements, and agreements in respect of BNYM's liens, pledges, and security interests; as well as the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), including the Commonwealth's Title III case and certain adversary proceedings in respect of ERS.
Current and former representatives and employees of Andalusian Global Designated Activity Company, Mason Capital Master Fund, LP,	Unknown	c/o Jones Day, 555 South Flower Street, Fiftieth Floor, Los Angeles, CA 90071	BNYM's administration under the Resolution, including BNYM's liens, pledges, and security interests, BNYM's collateral, and UCC filings made

Ocher Rose, L.L.C., SV Credit, L.P., Crown Managed Accounts for and on behalf of Crown/PW SP, LMA SPC for and on behalf of Map 98 Segregated Portfolio, Oceana Master Fund Ltd., Pentwater Merger Arbitrage Master Fund Ltd., and PWCM Master Fund Ltd.			by BNYM, all pursuant to the Resolution; and the Commonwealth and ERS Title III cases, including certain adversary proceedings and other actions pursued in respect of ERS.
Current and former representatives and employees of Puerto Rico AAA Portfolio Bond Fund, Inc., Puerto Rico AAA Portfolio Bond Fund II, Inc., Puerto Rico AAA Portfolio Target Maturity Fund, Inc., Puerto Rico Fixed Income Fund, Inc., Puerto Rico Fixed Income Fund II, Inc., Puerto Rico Fixed Income Fund III, Inc., Puerto Rico Fixed Income Fund IV, Inc., Puerto Rico Fixed Income Fund V, Inc., Puerto Rico GNMA & U.S. Government Target Maturity Fund, Inc., Puerto Rico Investors	Unknown	c/o White & Case LLP, 1221 Avenue of the Americas, New York, NY 10036	BNYM's administration under the Resolution, including BNYM's liens, pledges, and security interests, BNYM's collateral, and UCC filings made by BNYM, all pursuant to the Resolution; and the Commonwealth and ERS Title III cases, including certain adversary proceedings and other actions pursued in respect of ERS.

Bond Fund I,
Puerto Rico
Investors Tax-Free
Fund, Inc., Puerto
Rico Investors
Tax-Free Fund,
Inc. II, Puerto Rico
Investors Tax-Free
Fund III, Inc.,
Puerto Rico
Investors Tax-Free
Fund IV, Inc.,
Puerto Rico
Investors Tax-Free
Fund V, Inc.,
Puerto Rico
Investors Tax-Free
Fund VI, Inc.,
Puerto Rico
Mortgage-Backed
& U.S.
Government
Securities Fund,
Inc., Tax-Free
Puerto Rico Fund,
Inc., Tax- Free
Puerto Rico Fund
II, Inc., and Tax-
Free Puerto Rico
Target Maturity
Fund, Inc.

In addition to the individuals identified above, BNYM incorporates by reference any witnesses who may be identified by Debtors, Plaintiffs, or any other party to this action during the course of discovery in this action. BNYM does not concede the relevance or admissibility of any testimony at this time.

BNYM will identify any testifying expert witness consistent with the Court's Order and the Federal Rules of Civil Procedure, as made applicable by the Federal Rules of Bankruptcy Procedure 7026. BNYM reserves the right, pursuant to Federal Rule of Civil Procedure 26(e), as

made applicable by Federal Rule of Bankruptcy Procedure 7026, to supplement these disclosures and disclose additional individuals whom BNYM may use to support its case based upon further developments in the case or information learned during the course of litigation.

Rule 26(a)(1)(A)(ii): A copy of or a description by category and location of, all documents, data compilations and tangible things in the possession, custody or control of the party that the disclosing party may use to support its claims or defenses unless solely for impeachment.

Given the early stage of these proceedings, BNYM is unable at present to identify all of the documents it may use to support its claims or defenses. Notwithstanding and subject to the foregoing, BNYM identifies the following categories of documents currently within their possession:

1. The Resolution and related bond transaction documents, including, but not limited to, all supplements to the Resolution, official statements, opinions of counsel, and certifications.
2. Documents sufficient to show the registered holder(s) of all ERS bonds.
3. Documents concerning the account balance and activity for all accounts maintained at BNYM pursuant to the Resolution.
4. Documents concerning the transfer of funds into and out of all accounts maintained at BNYM pursuant to the Resolution.
5. Documents concerning how funds received by and held in accounts maintained at BNYM pursuant to the Resolution were invested or expended, as applicable.
6. Communications received or sent by BNYM concerning the Resolution, including, but not limited to, BNYM's liens, pledges, or security interests, registration of the ERS bonds, and BNYM's collateral.

BNYM incorporates by reference all documents produced or identified by Debtors, Plaintiffs, or any other party during the course of discovery in this action. BNYM does not concede the admissibility of any documents at this time.

Rule 26(a)(1)(A)(iii): A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered; and

Not applicable at this time, although BNYM seeks its costs of suit, attorneys' fees, and pre- and post-judgment interest, which are not currently susceptible to computation given the early stage of these proceedings.

Rule 26(a)(1)(A)(iv): For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy judgment.

BNYM does not maintain any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in these actions or to indemnify or reimburse for payments made to satisfy judgment.

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Dated: November 1, 2019
San Juan, Puerto Rico

SEPULVADO, MALDONADO & COURET

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